IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7693 of 2001

with

SPECIAL CIVIL APPLICATION No 12329 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RAMESHBHAI SHAKRABHAI DATNIA

Versus

COMMISSIONER OF LABOUR

Appearance:

1. Special Civil Application No. 7693 of 2001

MR KR KOSHTI for Petitioner No. 1

Mr.Desai, Assistant GOVERNMENT PLEADER, for Respondents No. 1-2

MR HARSHAD J SHAH for Respondent No. 3

2. Special Civil Application No. 12329 of 2000

MR HARSHAD J SHAH for Petitioner No. 1

MR VB GHARANIYA for Respondent No. 1

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 04/10/2001

ORAL JUDGEMENT

Since the petition filed by the Management has already been admitted, being Special Civil Application No.12329 of 2000, learned Advocate for the petitioner is not pressing this petition at this stage. Permission to withdraw this petition, i.e. Spl.C.A.No.7693 of 2001, at this stage is granted, with a liberty to file fresh petition in case the petition filed by the Management is ultimately disposed of by this Court. Rule is discharged

So far as Special Civil Application No.12329 of 2000 is concerned, the matter has already been admitted. It is now, therefore, fixed for final hearing on 23rd October, 2001. The petitioner-Management may comply with the provision of Section 17-B of the Industrial Disputes Act and during the pendency of the Special Civil Application may start paying last drawn salary to the respondent-workman. The aforesaid provision of Section 17-B of the Act is to be applied from the date of the first order of the Labour Court, on which date the application which was filed by the Management was dismissed for default on 28th January, 2000.

4th October, 2001 (P.B. Majmudar, J.)

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(apj)